



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 11, 2010

SUBJECT: BZA Application 18060 - Request for area variance relief from the minimum lot area and lot width (§ 401.3) for the construction of two semi-detached dwellings at 4506 Edson Place NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of this application to subdivide a conforming lot to construct two semi-detached dwellings, each of which would require the following variance relief:

- § 401.3, minimum lot area (deficient by 687.5 sq. ft. each lot);
- § 401.3, minimum lot width (deficient by 5' for each lot).

The Applicant also indicated that, due to changes in the parking space locations and the correction of a typographical error, the proposal no longer requires the two additional areas of relief (§§ 403.2 and 2116.2(b)) referenced in the Department of Consumer and Regulatory Affairs (DCRA) referral letter.

II. AREA AND SITE DESCRIPTION:

Address:	4506 Edson Place NE
Legal Description:	Square 5132, Lot 160 (hereinafter, the "Property")
Ward/ANC:	7/7C
Lot Characteristics:	The lot is rectangular in shape and measures 50' in width by 92.5' in length, totaling 4,625 square feet in lot area. The lot fronts Edson Place to the south and a 15' wide public "paper," or unimproved, alley to the north. The Property has an approximately 15% downward slope to the north.
Zoning:	R-2: single-family semi-detached dwellings
Existing Development:	The Property is currently vacant
Historic District:	N/A
Adjacent Properties:	To the north are undeveloped properties. To the east is a single family semi-detached dwelling. To the west are the rear yards of four semi-detached dwellings. To the south, across Edson Place, are detached and semi-detached dwellings.
Surrounding Neighborhood Character:	The Square, and the neighborhood more generally, is characterized by single family detached and semi-detached dwellings, as well as vacant lots.

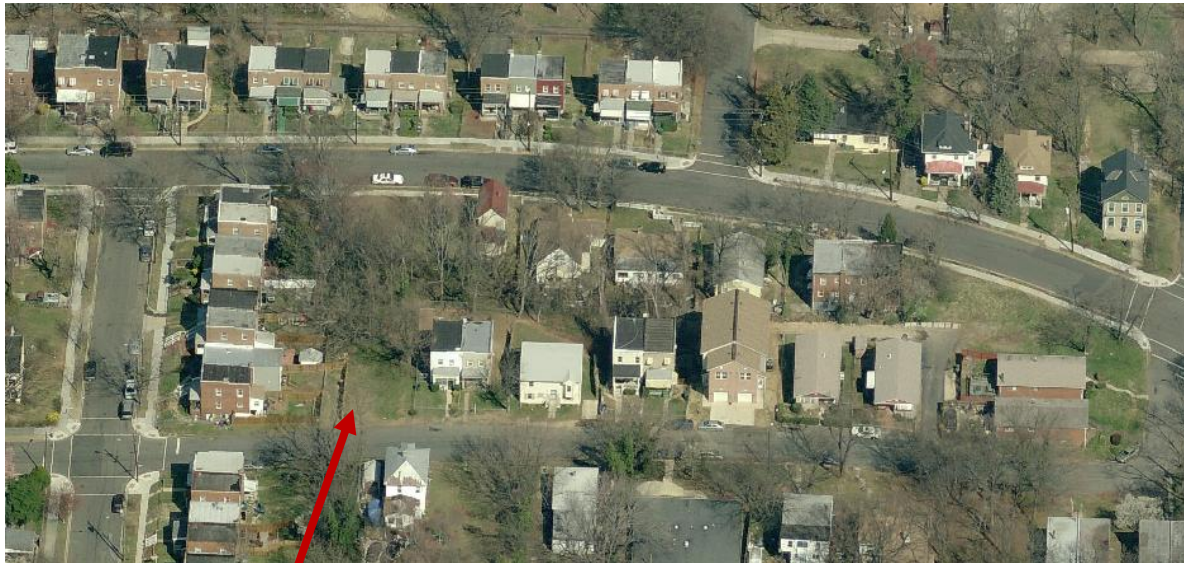
III. PROJECT DESCRIPTION IN BRIEF

Applicant	Abigail Murray
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Proposal:	The Applicant proposes to construct two semi-detached dwellings on a vacant lot. The dwellings would rise approximately 20' high and comprise two stories and a cellar. Although the site plans show parking spaces in the yards in front of each dwelling, the Applicant has indicated that the spaces have been relocated internal to the dwellings inside front facing garages. It is anticipated that the Property would be subdivided into two record lots (one for each semi-detached dwelling) if the request for relief is approved. Each lot would measure 2,312.5 square feet and 25' width. The dwellings would occupy footprints of 913 square feet, which the Applicant states is a correction of an error found in the earlier submission (which mentioned footprints of 931 square feet), and would cover approximately 39% of each lot.
Relief Sought:	§ 401.3 – substandard lot area and lot width

IV. IMAGES AND MAPS



View looking north across Edson Place



Aerial view of the site (outlined in blue)



Map of the site and surrounding properties

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested. Lot 160, which is currently vacant, would be subdivided into identical lots.

R-2 Zoning	Restriction	Existing	Proposed (each lot)	Relief
Lot Occupancy (building area/lot) § 403	40% max.	-	39%	Conforms
Height (ft.) § 400	40' max.	-	20.5'	Conforms
Lot width (ft.) § 401	30' min.	50'	25'	Needs relief: 5' deficient
Rear Yard (ft.) § 404	20' min.	-	20.5'	Conforms
Side Yards (ft.) § 405	8' min.	-	8'	Conforms
Parking Spaces § 2101	1 min. per dwelling	-	1	Conforms
Lot Area (sq. ft.) § 401	3,000 sq. ft. min.	4,625 sq. ft.	2,312.5 sq. ft.	Needs Relief: 687.5 sq. ft. deficient

VI. RELIEF REQUESTED:

Semi-detached dwellings are a permitted use in R-2 Districts on lots that meet minimum size requirements. However, the Applicant needs relief from the minimum lot area and width requirements (§ 401.3) for each proposed lot. The Applicant indicates that relief from §§ 403.2 and 2116.2(b) is no longer required.

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The Property does not exhibit a specific uniqueness with respect to exceptional narrowness, shallowness, shape, or topography. The lot is rectangular in shape and exceeds the minimum lot area and width dimensions in the R-2 zone for a detached dwelling.¹ The site has a sizable slope to the northwest, although such a feature is not unique to the Property and would have no bearing on the relief requested.

The Applicant chiefly contends that two circumstances create an exceptional condition. First, the Applicant offers that DCRA instructed her to combine two previously substandard lots into the now conforming Lot 160. Irrespective of whether the lots were consolidated pursuant to DCRA instruction, the Zoning Regulations encourage the consolidation of vacant substandard lots when they are in common ownership into a conforming lot (see § 401.2). Further, even if the lots had not been combined, the Applicant would still require the relief here requested to construct semi-detached dwellings. Second, the Applicant states that she is using similar development plans as those employed for recently constructed (2009) semi-detached dwellings on two substandard lots (4522 and 4522 ½ Edson Place NE) on the same block as her Property. OP is not aware of what circumstances may have factored into the permit approvals for the nearby lots, and OP has not found any record of BZA approval. Nevertheless, the case before the BZA concerns the features of the site at issue. OP does not find that the Property exhibits exceptional conditions.

¹ Detached dwellings in R-2 zones are required to have a minimum lot area of 4,000 square feet and width of 40'. See § 401.3.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

Since the Property does not exhibit any uniqueness, there can be no resulting practical difficulty to the owner. The Property presently conforms to the minimum lot area and width standards in the R-2 zone and, as a result, would allow the by right development of a single family dwelling. OP notes that there is a single family detached dwelling currently under construction on a 5,131 square foot lot at the northeast corner of the Square (Lot 96).

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Although OP is highly supportive of proposals to develop vacant infill lots, the relief could not be granted without impairing the intent, purpose, and integrity of the Zoning Regulations. While R-2 zones do permit semi-detached dwellings, the regulations require that the lots meet a minimum size threshold. Allowing two dwellings on newly created substandard lots would allow an intensity of development at odds with the intent of the zoning regulations.

OP does not, however, anticipate that the proposal would cause any harm to the public good. The Applicant has indicated that neighbors and the ANC are generally supportive. Dwellings on substandard sized lots also are not uncommon in the Square. Of the 26 developed lots in the Square 5132, 17 are improved with dwellings on lots of less than 3,000 square feet (although nearly every one of these dwellings was constructed before the adoption of the 1958 Zoning Regulations).

VII. AGENCY COMMENTS

DDOT has informed OP that it has concerns regarding the size of the proposed curb cut. This issue would be addressed as part of public space permit review.

VIII. ANC/COMMUNITY COMMENTS

OP has not received any submission from ANC-7C, although the Applicant has indicated that the ANC is generally supportive of the proposal. OP is not aware of any official vote by the ANC concerning the proposal. OP also has not received any submissions by neighbors of the site, but the Applicant has indicated that neighbors are generally supportive.

IX. CONCLUSION AND RECOMMENDATION

The Office of Planning **cannot recommend approval** of the requested lot area and width relief.

JLS/pg
Paul Goldstein, case manager